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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,682	07/05/2001	Jose Guterman	INTL-0594-US (P11735)	2665

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EXAMINER

QURESHI, SHABANA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/899,682

Applicant(s)

GUTERMAN, JOSE

Examiner

Shabana Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Status of Claims*

1. This action is responsive to Amendment filed on February 17, 2005. Claims 1-27 are pending examination.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiscock, (U.S. Patent No. 6,721,787).

As to claim 1, Hiscock teaches a method comprising:

enabling a mobile unit to access a base station (see col. 3 lines 13-20 and lines 52-60);

and

downloading interface software when the mobile unit accesses the base station (see col. 6 lines 5-20).

As to claim 2, Hiscock teaches the method of claim 1 including initiating the downloading from the base station (see col. 6 lines 5-20).

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As to claim 3, Hiscock teaches the method of claim 1 including initiating the downloading by the mobile unit (see col. 6 lines 5-20).

As to claims 4 and 15, Hiscock teaches the method and medium of claims 1 and 13 respectively including detecting a triggering event and in the response to the detection of said triggering event, determining whether interface software has been downloaded (see col. 3 lines 61-col. 4 lines 4).

As to claims 5 and 16, Hiscock teaches the method and medium of claims 4 and 15 respectively wherein if interface software has not been downloaded, downloading the interface software (see col. 6 lines 24-57).

As to claims 6 and 17, Hiscock teaches the method and medium of claims 4 and 15 respectively wherein if the interface software has not been downloaded, using default software (see col. 6 lines 24-57).

As to claims 7 and 18, Hiscock teaches the method and medium of claims 1 and 12 respectively wherein downloading interface software includes downloading new versions of an air interface protocol (see col. 3 lines 1-31).

As to claims 8 and 19, Hiscock teaches the method and medium of claims 1 and 12 respectively wherein downloading interface software includes downloading software suitable for a particular geographic area (see col. 3 lines 1-31).

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As to claims 9 and 20, Hiscock teaches the method and medium of claims 1 and 12 respectively wherein downloading interface software includes downloading software to address interface compatibility problems (see col. 6 lines 29-47).

As to claims 10 and 22, Hiscock teaches the method and medium of claims 1 and 12 respectively including downloading an update to an air interface protocol (see col. 3 lines 1-31).

As to claims 11 and 21, Hiscock teaches the method and medium of claims 1 and 12 respectively including downloading substantially the entire air interface protocol (see col. 3 lines 1-31).

As to claim 12, Hiscock teaches an article comprising a medium storing instructions that enable a processor-based system to: enable a mobile unit to access a base station; and automatically download interface software when the mobile unit accesses the base station (see col. 3 lines 13-20 and lines 52-60 and col. 6 lines 5-20).

As to claim 13, Hiscock teaches the article of claim 12 further storing instructions that enable the interface software to be downloaded at the initiation of the base station (see col. 6 lines 5-20).

As to claim 14, Hiscock teaches the article of claim 12 further storing instructions that enable the processor-based system to initiate the downloading of the interface software (see col. 6 lines 5-20).

As to claim 23, Hiscock teaches a wireless device comprising: a processor; and a storage coupled to said processor, said storage storing instructions to automatically download interface

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software when the device accesses a base station (see col. 3 lines 13-20 and lines 52-60 and col. 6 lines 5-20).

As to claim 24, Hiscock teaches the device of claim 21 wherein said device is a wireless telephone (see col. 3 lines 13-25).

As to claim 25, Hiscock teaches the device of claim 21 wherein said processor receives an interface software download from the base station (see col. 6 lines 5-20).

As to claim 26, Hiscock teaches the device of claim 21 wherein said processor detects a triggering event in response to the detection of the triggering event determines whether interface software has been downloaded (see col. 3 lines 61-col. 4 lines 4).

As to claim 27, Hiscock teaches the device of claim 22 wherein said processor downloads the interface software if the interface software has not already been downloaded (see col. 6 lines 24-57).

### ***Response to Arguments***

3. Applicant's arguments filed on February 17, 2005 were considered but were unpersuasive. Applicant argues that the limitation of claim 1 where interface software is downloaded to the mobile unit is not taught by the prior art Hiscock.

Examiner respectfully disagrees with Applicant's allegation. As Applicant admits, Hiscock teaches wireless syncing the same way hot-syncing is done through a cradle (column 6, lines 6-23). Examiner interprets that software that interfaces with the PDA is downloaded when

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service is provided to the PDA and data packets in the form of software as well as software commands are also downloaded by the PDA (column 6, lines 6-23). It is also deemed inherent that interface software is downloaded by the PDA from the hot sync cradle, and therefore can be downloaded wirelessly as taught by Hiscock (column 6, lines 10-15).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990. The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi  
Examiner  
Art Unit 2155

May 31, 2005  
SQ

  
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